

All red text are changes following the Legal Committee and City Council meetings on July 22, 2021

ORDINANCE 21-09

**AN ORDINANCE AMENDING THE ROSWELL CITY CODE TO PROVIDE FOR A
NEW CHAPTER 27: COMMERCIAL CANNABIS**

WHEREAS, within the Cannabis Regulation Act, codified as NMSA 1978, § 26-2C-1 *et seq.*, the New Mexico Legislature established a comprehensive regulatory framework for the possession, cultivation, manufacture and sales of cannabis and cannabis-derived products; and

WHEREAS, the Cannabis Regulation Act provides that local jurisdictions may adopt time, place, and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit density of licenses and operating times consistent with neighborhood uses; and

WHEREAS, the City Council wishes to enact such controls and restrictions on the possession, use, cultivation, manufacture and sales of cannabis and cannabis-derived products, consistent with the provisions of the Cannabis Regulation Act, necessary and proper to protect and promote the health, safety, and welfare of the citizens of Roswell, New Mexico; and

WHEREAS, the City Council intends with this ordinance to establish a general framework for regulation and anticipates adopting additional provisions in the future to provide a comprehensive approach to cannabis and related activities within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. The Roswell City Code is hereby amended to include the following Chapter 27 relating to regulation of Cannabis:

CHAPTER 27: CANNABIS

ARTICLE 1: GENERAL PROVISIONS

Sec. 27-1. – Title.

This chapter shall be known as the "City of Roswell Comprehensive Cannabis Ordinance" except as referred to and cited herein, where it shall be known as the "Cannabis Ordinance" or "CCO".

Sec. 27-2. – Purpose and intent.

It is the purpose and intent of this chapter to regulate the possession, cultivation, including micro, small, medium and large scale processes; manufacturing; processing; distribution; retail sales; on-site consumption and specialized events for the consumption of medical and

recreational cannabis within the City of Roswell, as provided for by the New Mexico Cannabis Regulation Act, NMSA 1978, § 26-2C-1 *et seq.*, (the “Cannabis Regulation Act” or the “Act”). The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business generally in the city, and are in addition to any permits, licenses and approvals required under state, county, or other law. The regulations and prohibitions in this chapter are enacted to ensure the health, safety and welfare of residents and visitors within the City of Roswell. Nothing in this chapter shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or allow any activity relating to the cultivation, manufacturing, testing, or distribution of cannabis that is otherwise illegal under New Mexico state law. Nothing herein shall be construed to permit or authorize any possession, use, cultivation, manufacture, processing, distribution, retail sale, and/or consumption of cannabis beyond the provisions of the Cannabis Regulation Act or the Lynn and Erin Compassionate Use Act, nor as affecting or intended to affect or modify federal law relating to cannabis.

Sec. 27-3. – Sec. 27-10. – RESERVED

ARTICLE 2. – ADMINISTRATION OF THE CANNABIS ORDINANCE

Sec. 27-11. – Sec. 27-20. – RESERVED

ARTICLE 3. – PROCEDURES, AMENDMENTS, AND CHANGES

Sec. 27-21. – Sec. 27-30. – RESERVED

ARTICLE 4. – DEFINITIONS

Sec. 27-31. – Sec. 27-40. – RESERVED

ARTICLE 5. – PERSONAL POSSESSION AND USE

Sec. 27-41. – Personal Possession.

- A. Pursuant to the requirements of the Cannabis Regulation Act (NMSA 1978, § 26-2C-1 *et seq.*), Adults 21 years of age and older may possess a maximum of two ounces of cannabis, a maximum of 16 grams of concentrated cannabis infused products, and a maximum of 800 milligrams of edible cannabis in public places within the City of Roswell. The usage of cannabis and cannabis products is permitted by right at an individual’s dwelling as long as the activity does not endanger others or cause a public nuisance.
- B. It shall be unlawful for any person to smoke, vape, or ingest cannabis products in any public place, except in a cannabis consumption area.

C. Unless otherwise allowed in the Cannabis Regulation Act or the Lynn and Erin Compassionate Use Act, it shall be unlawful:

1. To possess or intentionally distribute any amount of a cannabis product on the premises of a school or daycare center unless the person is a qualified patient, a primary caregiver or a reciprocal participant; provided that this section shall not apply to a person who possesses a cannabis product for authorized purposes on the premises of a licensed cannabis training and education program.
2. For any person under 21 years of age to possess, consume, or obtain cannabis.
3. For any individual 21 years of age or older to possess in any public place cannabis or any cannabis product in excess of those amounts permitted by the Cannabis Regulation Act.

D. Violation of any provision of this Section shall be punishable by up to 90 days incarceration and a fine up to \$500.00, except as otherwise provided in the Cannabis Regulation Act.

Sec. 27-42. – Non-commercial cultivation.

A. Pursuant to the Cannabis Regulation Act, an individual may cultivate homegrown cannabis provided that the cannabis producer acts within the regulations of the Act. The Act limits home cultivation to a maximum of six mature and six immature cannabis plants with a maximum allowance of 12 plants per household. All cannabis cultivation shall be conducted only in the interior of an enclosed structure, facility, building, or greenhouse, within the City of Roswell. All non-commercial cannabis cultivation operations, including all cannabis plants, at any stage of growth, harvest, or processing, shall not be visible from the exterior of any structure, facility, building, or greenhouse, within the city limits. All cultivation operations must take place indoors, within a permanent structure that is enclosed on all sides. Outdoor cultivation is prohibited within city limits. Portable greenhouses, **hoop houses**, and/or non-permanent enclosures shall not be used for **cannabis** cultivation unless they are placed inside of a permanent structure that is enclosed on all sides. Construction or installation of **any type of accessory dwelling unit (ADU), including any** greenhouse for **at-home** cannabis cultivation requires a **placement** permit from the City of Roswell's planning and zoning office.

B. It shall be unlawful for any person who is less than twenty-one years of age to intentionally produce cannabis.

C. It shall be unlawful for any person 21 years of age or older, unless licensed under the Cannabis Regulation Act and permitted as required by this chapter, to intentionally produce cannabis or any cannabis product in excess of those amounts permitted by the Cannabis Regulation Act.

- 1 D. Violation of any provision of this Section shall be punishable by up to 90 days
2 incarceration and a fine up to \$500.00, except as otherwise provided in the Cannabis
3 Regulation Act.
4

5 **Secs. 27-43. – 27-50. – RESERVED**
6

7 **ARTICLE 6. - CANNABIS ESTABLISHMENTS GENERALLY**
8

9 **Sec 27-51. – 27-60. – RESERVED**
10
11

12 **ARTICLE 7. - ZONING AND DEVELOPMENT REQUIREMENTS**
13

14 **Sec. 27-61 – Introduction, Purpose, and Intent.**
15

- 16 A. Introduction; A floating zone district defines a specific use, that the community wants
17 to allow under specific requirements and circumstances. The floating zone can be
18 affixed to a qualifying parcel of land, either upon approval of the application of the
19 parcel's owner or upon the initiative of the City Council. Upon approval, the parcel is
20 rezoned to reflect the new use and becomes its own zoning district; its development is
21 governed by the use, dimensional, and other provisions of the floating zone regulations.
22
- 23 B. To protect the health, safety and welfare of the City of Roswell's residents and visitors
24 while simultaneously allowing accessibility for *cannabis sales and consumption*, all
25 cannabis retail establishments and cannabis consumption facilities (including medical
26 and recreational cannabis, and cannabis-infused products) must be located in the city's
27 **Commercial Cannabis (CCAN) Floating Zone** located within the Community
28 Commercial Zone (C-2). The C-2 zone is the most geographically prominent
29 commercial zone in the City of Roswell and is located throughout the city along
30 collector and arterial street facilities (City of Roswell, Comprehensive Plan, 2016).
31
- 32 C. To further protect the health, safety and welfare of the City of Roswell's residents and
33 visitors while simultaneously allowing accessibility for *cannabis cultivation,*
34 *manufacturing, processing, distribution, and cannabis-related special events, as well*
35 *as to provide additional opportunities for cannabis sales and consumption* (including
36 medical and recreational cannabis, and cannabis-infused products), all cannabis
37 cultivation, manufacturing, processing, distribution and cannabis-related special events
38 must be located in the **Industrial Cannabis (ICAN) Floating Zone** within the city's
39 Heavy Industrial (I-2) zone. The I-2 zone is the second most geographically prominent
40 land use in the city at approximately 25% of total land area and it is the most
41 geographically prominent industrial zone in the City of Roswell.
42
- 43 D. The CCAN and ICAN floating zones are intended to provide for the well-planned and
44 orderly development of commercial and industrial cannabis facilities within the
45 community and to eliminate or adequately mitigate any adverse impacts on the
46 community related to such types of development. The CCAN (Commercial Cannabis)

and/or ICAN (Industrial Cannabis) floating designations may be applied to *certain* properties *described herein* that are zoned C-2 (Community Commercial) or I-2 (Heavy Industrial). When the CCAN or ICAN floating zone designation is added to such property, the provisions of this chapter shall apply in addition to the regulations provided by the underlying C-2 or I-2 zone. Whenever there is a conflict or inconsistency between the provisions of this chapter and the underlying zone, the provisions of this chapter shall be controlling.

Sec. 27-62. – Establishment of CCAN Zoning Designation.

A. Purpose:

1. The CCAN zoning designation is intended to provide for a variety of commercial and retail cannabis establishments, including on-site consumption of cannabis products.
2. Because of the potential for heavy traffic generating characteristics, potential ability to operate 24 hours per day, and potentially detrimental appearance and performance, the CCAN zoning designation is only applicable to properties currently zoned C-2 (Community Commercial), with further restrictions on locations pursuant to Secs. 27-64 (Prohibited Districts) and 27-65 (Prohibited Locations and Activities) of this chapter.

B. Land Use Regulations:

1. Permitted uses are as follows:
 - a. Any use permitted in the C-1 district.
 - b. Any use permitted in the C-2 district.
2. Special uses are as follows:
 - a. Any special use permitted in the C-1 district.
 - b. Any special use permitted in the C-2 district.
3. Conditional uses are as follows:
 - a. Retail cannabis establishments including recreational cannabis retail stores and medical cannabis dispensaries
 - b. On-site cannabis consumption establishments, including cannabis lounges, clubs, or tasting rooms.
 - c. Any other cannabis-related use that provides retail sales (direct to consumer) of equipment, paraphernalia, smoking or vaping products, or other products to facilitate the cultivation, processing, manufacturing, or consumption of cannabis or cannabis infused products.

C. Land Development Standards:

1. Lot or parcel size requirements - RESERVED
2. Building setback from property line - RESERVED

3. Building separation distance - RESERVED
4. Parking required - RESERVED
5. Landscaping required - RESERVED
6. Water availability – RESERVED
7. Effluent disposal - RESERVED
8. Solid waste disposal, including green waste - RESERVED
9. Fire Department requirements - RESERVED
10. Utility (sewer, power, communications, etc.) availability - RESERVED

Sec. 27-63. – Establishment of ICAN Zoning Designation.

A. Purpose:

1. The ICAN zoning designation is intended to provide for a variety of cannabis cultivation, processing, manufacturing, distribution, and processing, including research and development opportunities conducted in a manner not detrimental to the rest of the community by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire, explosive hazards, glare, or heat.
2. Because of the potential for heavy traffic generating characteristics, potential ability to operate 24 hours per day, and potentially detrimental appearance and performance, the ICAN zoning designation is only applicable to properties currently zoned I-2 (Heavy Industrial), with further restrictions on locations pursuant to Secs. 27-64 (Prohibited Districts) and 27-65 (Prohibited Locations and Activities) of this chapter.

B. Land Use Regulations:

11. Permitted uses are as follows:

- a. Any use permitted in the I-1 district.
- b. Any use permitted in the I-2 district.

12. Special uses are as follows:

- a. Any special use permitted in the C-1 district.
- b. Any special use permitted in the C-2 district.

1. Conditional Uses are as follows:

- a. Cannabis cultivation facilities, including processing and extraction.
- b. Cannabis manufacturing and product development facilities.
- c. Cannabis distribution and logistics centers.
- d. Cannabis research and development facilities.
- e. Any other cannabis-related facility, establishment, or center not allowed in the CCAN Zone.

C. Land Development Standards:

1. Lot or parcel size requirements - RESERVED
2. Building setback from property line - RESERVED
3. Building separation distance - RESERVED
4. Parking required - RESERVED
5. Landscaping required - RESERVED
6. Water availability – RESERVED
7. Effluent disposal - RESERVED
8. Solid waste disposal, including green waste - RESERVED
9. Fire Department requirements - RESERVED
10. Utility (sewer, power, communications, etc.) availability - RESERVED

Sec. 27-64. – Prohibited Districts.

To protect the health, safety and welfare of the City of Roswell’s residents and visitors, all cannabis cultivation, processing, manufacturing, distribution, retail sales, on-site consumption and cannabis-related special events shall be prohibited within the City of Roswell’s established special districts and locations as follows:

- A. City of Roswell Downtown Historic District. The Downtown Historic District is generally bounded by Eighth Street on the north, Deming Street on the south, Washington Avenue on the west and Richardson Avenue on the east. It is the responsibility of city staff to carefully consider potential impacts to the city’s Downtown Historic District in order to honor the community’s past efforts to preserve its historic character as well as acknowledge how its character contributes to the economic and cultural welfare of the city. Boundaries of the Downtown Historic District are subject to change; therefore, it is the responsibility of the applicant for a cannabis regulatory permit to verify the site location for a proposed cannabis establishment prior to submitting an application for a regulatory permit.
- B. City of Roswell Downtown Business District (C-3 zoning district). The C-3 District is located primarily within the city’s downtown core, and represents approximately 1% of the city’s total land area. As many of Roswell’s major landmarks which draw the majority of the city’s tourism are located within the Downtown Business District, all cannabis-related businesses shall be prohibited to protect the economic welfare of the city. Boundaries and land uses within the Downtown Business District are subject to change; therefore, it is the responsibility of the applicant for a cannabis regulatory permit to verify the site location for a proposed cannabis establishment prior to submitting an application for a regulatory permit.
- C. City of Roswell Metropolitan Redevelopment Area (MRA), also known as the Historic Railroad District. The MRA is generally bounded by Eleventh Street to the north, Hondo River to the south, Richardson Avenue to the west and Railroad Avenue to the east. The adopted plan for the MRA envisions an economically vibrant and culturally significant area for residents and visitors and it will be a major contributor to local tourism, commercial activity, and economic vitality. Furthermore, similar to the Downtown Historic District, the MRA contains a number of historic and culturally significant structures that should be preserved and protected for future generations.

Therefore, all cannabis-related businesses shall be prohibited within the MRA to protect the safety, culture and economic welfare of the city. Boundaries and land uses within the MRA are subject to change; therefore, it is the responsibility of the applicant for a cannabis regulatory permit to verify the site location for a proposed cannabis establishment prior to submitting an application for a regulatory permit.

- D. Roswell Air Center. Portions of the Roswell Air Center (RAC), subject to Federal Aviation Administration (FAA) rules, regulations, and/or guidelines, are prohibited from all cannabis related business activities. Boundaries and land uses, including those subject to FAA regulations, within the RAC are subject to change; therefore, it is the responsibility of the applicant for a cannabis regulatory permit to verify the site location for a proposed cannabis establishment prior to submitting an application for a regulatory permit.

Sec. 27-65. - Prohibited locations and activities.

- A. To protect the health, safety and welfare of the community's most vulnerable populations, particularly children, seniors, and individuals who struggle with neurochemical dependencies, no cannabis-related businesses shall be permitted:
1. Within 300 feet of all schools, parks, churches, recreation facilities, childcare facilities, military facilities, senior care facilities, retirement facilities and medical facilities (including but not limited to outpatient facilities, hospitals and urgent care). Cannabis-related businesses shall not be permitted within 300 feet of any mental health centers, addiction centers, or rehabilitation facilities (both medical and non-medical facilities).
 2. Within 300 feet of any residential district measured from exterior property line to exterior property line. This includes the following residential zones: R-S; R-L; R-VL; R-1; R-2; R-3; R-4; MU-P; RMS; MHC and RVP.
 3. Cannabis-related businesses must maintain a reasonable separation distance of at least one-quarter (1/4) mile (1,320 feet) from one cannabis-related business to another as measured from the nearest outside wall to outside wall of the building.

Sec. 27-66. – Conditional Use Permit requirements.

- A. Conditional Use Permit (CUP): A conditional use permit allows property owners to utilize their properties for uses not listed as being permitted or allowable by right under the site's current zoning designation. To receive a conditional use permit in order to utilize property for use under specific conditions, applicants must adhere to the City of Roswell's list of conditional uses for cannabis-related business activities (Sec. 27-62.B and Sec. 27-63.B). Conditional use permits for cannabis-related businesses correspond to the facility's location. These permits are applicable at the designated site of the cannabis-related business and cannot be transferred if the business chooses to change locations within the City of Roswell. CUPs for all cannabis related businesses or establishments, may not be transferred, sold, assigned or bequeathed expressly or by

operation of law. Any attempt to directly or indirectly transfer a cannabis business CUP shall be unlawful and void, and shall automatically revoke the permit.

- B. Land Development and Construction Regulatory permits: Regulatory permits for the development of cannabis-related businesses correspond to the facility's location. These permits are applicable at the designated site of the cannabis-related business and cannot be transferred if the business chooses to change locations within the City of Roswell. These regulatory permits contain specific requirements and conditions of approval which may include, but are not limited to:
1. Demolition permit
 2. Clearing and grading permit
 3. Site development permit
 4. Building permit
 5. Electrical, Plumbing, and HVAC, permits
 6. Street encroachment permit
 7. Signage permit
- C. Site plan: All cannabis-related businesses must submit a site plan including but not limited to property lines, setbacks, existing conditions, proposed conditions, parking plans and adjacent easements to municipal staff.
- D. Site security plan: The City of Roswell requires all cannabis-related businesses provide a detailed assessment regarding the facility's existing or planned security measures, unique considerations for the facility and the facility's corresponding level of risk to ensure the protection of the facility and the surrounding community from potential criminal activity, such as theft.
- E. Operational plan: All cannabis-related businesses must submit an operational plan including the business's objectives, goals, procedures and timelines for a one year period.
- F. Green waste disposal plan: A green waste disposal plan is required for all cannabis-related businesses that will require the disposal of cannabis trimmings, cuts and green waste to ensure cannabis products are properly disposed and do not contribute to the deterioration of the environment from materializing in landfills.
- G. Air quality control plan: All cannabis-related businesses must submit an air quality control plan to ensure the cannabis facility does not yield decreased air and environmental quality.
- H. Odor control plan: The cannabis plant has been known to emit noxious odors which are subject to abatement through Chapter 16 of the City of Roswell's Municipal Code. In congruence with Sec. 16-4 of the city's Municipal Code, the chief of police and the code enforcement supervisor are authorized to abate any nuisance existing within the city. In addition to an air quality control plan, all cannabis-related businesses will be

required to submit an odor control plan to ensure cannabis facilities do not yield negative externalities to the surrounding community with cannabis odors.

I. Water reclamation plan: All cannabis-related businesses that handle water contaminated by cannabis and cannabis products must submit a water reclamation plan to ensure water within the City of Roswell is not contaminated.

J. Effluent disposal area plan: All cannabis-related businesses that dispose of water used on cannabis flowers and cannabis products must submit an effluent disposal area plan showing the locations of existing or proposed waste water management systems and effluent disposal areas; locations of any contamination and the location and dimensions of all effluent lines, effluent disposal methods, water pipes and drainage lines.

Sec 27.67. - Compliance with laws.

It is the responsibility of the owners and operators of the cannabis-related business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder, and any specific additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this chapter shall be construed as authorizing any actions which violate federal, state law or local ordinance with respect to the operation of a cannabis business.

Secs. 27-68. – 27-70. – RESERVED

ARTICLE 8: INDUSTRIAL CANNABIS ESTABLISHMENT - REGULATORY PERMIT

Secs. 27-71. – 27-99. – RESERVED

ARTICLE 9: RETAIL CANNABIS ESTABLISHMENT - REGULATORY PERMIT

Secs. 27-100. – 27-129. – RESERVED

ARTICLE 10: ON-SITE CANNABIS CONSUMPTION PERMIT

Secs. 27-130. – 27-139. – RESERVED

ARTICLE 11: CANNABIS SPECIAL EVENT - TEMPORARY PERMIT

Secs. 27-140. – 27-149. – RESERVED

ARTICLE 12: NON-CONFORMING USES

Sec. 27-150. - Purpose.

The purpose of this article is to provide for the regulation of non-conforming cannabis establishments and to specify those circumstances under which these establishments shall be allowed to continue to operate as legal non-conforming uses.

Sec. 27-151. - Authority to continue.

- A. Any previously permitted cannabis establishment and/or cannabis related use, including medical dispensaries and retail cannabis establishments, that existed lawfully, prior to the effective date of this chapter, may continue to operate as that same use, as it did prior to becoming non-conforming, subject to the rules, regulations, and restrictions listed below.
- B. The above notwithstanding, no non-conforming medical dispensary shall be permitted to engage in retail recreational sales unless the dispensary complies with the requirements of this chapter, including the requirements to obtain a zone change, CUP, city regulatory permit, and all other applicable permits hereunder.

Sec. 27-152. - Restrictions.

- A. Any non-conforming cannabis establishment or use, existing as of the effective date of this chapter, that does not conform to the regulations of the zoning district(s) established by this chapter, shall be subject to the following:
 1. Repairs and alterations. Ordinary cosmetic repairs may be made to a building or structure devoted to or designed for a cannabis establishment or use not permitted in the zoning district in which it is located. No structural repairs or alterations shall be made in or to such building or structure, except those required by law, or to alter the design and use of the building or structure to conform to the permitted use regulations of the zoning district in which it is located.
 2. Additions and enlargements. A building or structure, devoted to or designed for a cannabis establishment, or use not permitted in the zoning district in which it is located, shall not have additions or enlargements made to it in any way other than to bring such building or structure into compliance with the permitted use(s) of the zoning district in which it is located.
 3. Restoration as a result of damages. A building or structure, devoted to or designed for a cannabis establishment, or use not permitted in the zoning district in which it is located, that is damaged or destroyed by any means, and where the cost of the repairs exceed 50% or more of its replacement value, shall not be restored except if such restoration results in a building, structure, or sign devoted to or designed for a use that conforms to the regulations of the zoning district in which it is located.

4. Discontinuance of a non-conforming use. In the event that a non-conforming use of a building, structure, premises, sign, or parts thereof, is discontinued for any reason for a period of six months or longer, and such non-conforming use is changed to or replaced by a use conforming to the zoning district in which it is located, such building, structure, premises, sign, or parts thereof shall not thereafter be used or occupied by a non-conforming use, even though the building, structure, sign, premises, or parts thereof may have been originally constructed for the prior non-conforming use.
5. Vacant non-conforming use. In the event the building, structure, sign, or premises of a non-conforming use have sat vacant for a period of six months or longer, any use brought into said building, structure or premises shall be a use conforming to the regulations of the zoning district in which it is located and all requirements of the zoning ordinance shall be met before the new permitted use is allowed to operate, including the most current requirements for parking, landscaping, and general zoning and building guidelines as set forth in this and other ordinances.

Sec. 27-153. – PREVIOUSLY APPROVED; NON-OPERATIONAL USES

- A. In the event that an application for a medical cannabis establishment (cultivation, processing, manufacturing, distribution, retail sales, etc.) has been approved, and has received a Zoning Verification Letter from the City of Roswell, Planning & Zoning Division, but has not received a Certificate of Occupancy (CoO) from the City of Roswell, nor obtained a Regulatory Permit from the State of New Mexico, such use shall be subject to the following requirements:
 1. Cannabis establishments with active building permits are granted a maximum of 6 months from the date of approval of this ordinance to complete construction and obtain a Certificate of Occupancy (CoO).
 2. Prior to issuance of the CoO, the applicant the previously approved cannabis establishment shall apply for a City Regulatory Permit and provide all required application materials and pay all required fees.
 3. Upon issuance of the CoO, the applicant shall apply for, and receive a State of New Mexico Regulatory Permit.
 4. Failure to receive a regulatory permit from the State of New Mexico within six months shall result in revocation of all local permits and approvals, including the CoO for the cannabis establishment.
 5. Upon receipt of the regulatory permit from the State of New Mexico, the cannabis establishment shall be granted a Non-Conforming Use permit, subject to the restrictions of this Article.
- B. In the event that an application for a medical cannabis establishment (cultivation, processing, manufacturing, distribution, retail sales, etc.) has been approved, and has

received a Zoning Verification Letter from the City of Roswell, Planning & Zoning Division, but has not yet obtained a building permit, or the previously issued building permit has expired, without receiving a Certificate of Occupancy (CoO) from the City of Roswell, the application for such use shall be considered abandoned and the applicant for the cannabis establishment shall be required to reapply for all permits subject to the provisions of this chapter.

Secs. 27-154. - 27-159. - RESERVED

ARTICLE 13: TAXATION

Secs. 27-160. – 27-169. - RESERVED

SECTION 2. Roswell City Code Section 10-6 – Possession of Marijuana is hereby struck in its entirety. Section 10-6 shall be reserved.

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repeal shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

SECTION 4. Any articles or portions thereof of the Zoning Code (Appendix A of the City of Roswell Municipal Code) in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repeal shall not be construed to revive any article or part of any article heretofore repealed.

SECTION 5. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

SECTION 6. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED _____, _____.

CITY SEAL

Dennis Kintigh, Mayor

ATTEST

Sharon Coll, City Clerk